

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 825 of 1998

with

SPECIAL CRIMINAL APPLICATION No 826 of 1998

with

Spl.Cri.Application Nos. 845/98, 849/98, 850/98,
851/98, 852/98, 853/98, 854/98, 855/98, 856/98

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DHARANGADHARA CHEMICAL WORKS LTD,

Versus

STATE OF GUJARAT

Appearance:

IN ALL SPECIAL CRIMINAL APPLICATIONS :

MR DEEPAK M SHAH for Petitioner/S

MR DN PATEL, APP for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 29/12/1999

ORAL COMMON JUDGEMENT

These group of Special Criminal Applications

arise out of non-compliance of the requirements of the Gujarat Industries Rules, 1963 by the petitioner company in each matter. For breach of certain provisions of Rules, prosecution came to be launched in the Court of learned Judicial Magistrate, First Class, Dhangadhra, District : Surendranagar against the petitioner company which is a Limited Company named Dhangadhra Chemical Works Ltd.. Series of complaints came to be filed against the petitioner company and one Dr. S.L.Jain of the petitioner company was shown as an accused of the alleged offences. Complaints were filed by one Mr. U.R.Soni, Factory Inspector. The Company was facing prosecution through the competent officer, but as the criminal cases could not be concluded within a reasonable period, the company through its Advocate, prayed that evidence of the prosecution be closed and company should be acquitted or the order of discharge having an effect of acquittal be passed in the interest of justice in all the cases.

2. The complaints are of the year 1995 and the trials have not yet begun. Thus, the point raised by the accused in each Spl.Criminal Applications, are covered by the decision of the Supreme Court in the case of Common Cause Society v/s Union of India & Othrs, reported in 1997(2) GLH 1297.

3. I have heard learned counsel appearing for the petitioner Mr. D.M.Shah and learned APP Mr. D.N. Patel for Respondent No.1 State.On some dates, original complainant Mr. U.R.Soni, Jr. Inspector of Factories who is now posted at Nadiad had also remained present. Ld. APP Mr. Patel, on verification through the very Factory Inspector Mr. Soni (Orig.Complainant) has submitted that the petitioner factory has complied with all the requirements breach of which is complained of in all the petitions. Mr. Shah, learned counsel appearing for the petitioner/s in all the petitions has also stated that the company has complied with all the requirements viz. keeping toys for the children of workers etc. and has also complied with all other formalities which are reflected in different complaints filed by the Factory Inspector.

4. The ultimate object and intention of the complainant was to see that relevant rules namely Rule 80(6) of the Factory Rules, 1963 and other rules referred to in the different complaints are properly followed. The Court has also ascertained that the original complainant himself is satisfied about the compliance of the requirements. Under the circumstances, formal remand

of the matter may not bring any fruitful result. It would also not be just, proper and in the interest of justice to remand the matter and start another round of litigation prolonging the litigation. The above-referred decision of the Apex Court carves out a principle and original accused had applied for closure of evidence seeking relief, and has simultaneously prayed for the order of acquittal and/or discharge. Benefit claimed is under a judicial verdict of the Apex Court and the same ought to have been granted. Under the circumstances, Rule issued by this Court in each petition on 30.11.1999 requires to be made absolute.

5. For the reasons aforesaid, Rule is made absolute in all these petitions. The impugned order passed by the learned Judicial Magistrate, First Class, Dhangadhra is hereby quashed and set aside. The complaints referred to in the order and in each petitions is hereby quashed and set aside and the petitioner/s is/are discharged. No order as to costs.

6. Copy of this judgment be kept in each petition.

29.12.1999 [C.K. BUCH, J]

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